



**BILLING CODE: 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

**[Docket No. 151211999–6343–02]**

**RIN 0648-XF586**

**Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Georges Bank**

**Cod Trimester Total Allowable Catch Area Closure for the Common Pool Fishery**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; area closure.

**SUMMARY:** This action closes the Georges Bank (GB) Cod Trimester Total Allowable Catch Area to Northeast multispecies common pool vessels fishing with trawl gear, sink gillnet gear, and longline/hook gear for the remainder of Trimester 1, through August 31, 2017. The closure is required by regulation because the common pool fishery is projected to have caught 90 percent of its Trimester 1 quota for GB cod. This closure is intended to prevent an overage of the common pool's quota for this stock.

**DATES:** This action is effective [*insert date of filing for public inspection with the Office of the Federal Register*], through August 31, 2017.

**FOR FURTHER INFORMATION CONTACT:** Claire Fitz-Gerald, Fishery Management Specialist, (978) 281-9255.

**SUPPLEMENTARY INFORMATION:** Federal regulations at § 648.82(n)(2)(ii) require the Regional Administrator to close a common pool Trimester Total Allowable Catch (TAC) Area for a stock when 90 percent of the Trimester TAC is projected to be caught. The closure applies to all common pool vessels fishing with gear capable of catching that stock for the remainder of the trimester.

As of July 27, 2017, the common pool fishery is projected to have caught approximately 90 percent of the Trimester 1 TAC (2.9 mt) for Georges Bank (GB) cod. Effective [*insert date of filing for public inspection with the Office of the Federal Register*], the GB Cod Trimester TAC Area is closed for the remainder of Trimester 1, through August 31, 2017, to all common pool vessels fishing on a Northeast multispecies trip with trawl gear, sink gillnet gear, and longline/hook gear. The GB Cod Trimester TAC Area consists of statistical areas 521, 522, 525, and 561. The area reopens at the beginning of Trimester 2, on September 1, 2017.

If a vessel declared its trip through the Vessel Monitoring System (VMS) or the interactive voice response system, and crossed the VMS demarcation line prior to [*insert date of filing for public inspection with the Office of the Federal Register*], it may complete its trip within the Trimester TAC Area. A vessel that has set gillnet gear prior to [*insert date of filing for public inspection with the Office of the Federal Register*], may complete its trip by hauling such gear.

Any overage of the Trimester 1 or 2 TACs must be deducted from the Trimester 3 TAC. If the common pool fishery exceeds its total quota for a stock in the 2017 fishing year, the overage must be deducted from the common pool's quota for that stock for fishing year 2018. Any uncaught portion of the Trimester 1 and Trimester 2 TACs is carried over into the next

trimester. However, any uncaught portion of the common pool's total annual quota may not be carried over into the following fishing year.

Weekly quota monitoring reports for the common pool fishery are on our website at: <http://www.greateratlantic.fisheries.noaa.gov/ro/fso/MultiMonReports.htm>. We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, VMS catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

### **Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

The regulations require the Regional Administrator to close a trimester TAC area to the common pool fishery when 90 percent of the Trimester TAC for a stock has been caught. Updated catch information only recently became available indicating that the common pool fishery is projected to have caught 90 percent of its Trimester 1 TAC for GB cod as of July 27, 2017. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent the immediate closure of the GB Cod Trimester TAC Area. This increases the likelihood that the common pool fishery will exceed its trimester or annual quota of GB cod to the detriment of this stock, which could undermine management objectives of the

Northeast Multispecies Fishery Management Plan. Additionally, an overage of the trimester or annual common pool quota could cause negative economic impacts to the common pool fishery as a result of overage paybacks deducted from a future trimester or fishing year.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 27, 2017.

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Jennifer M. Wallace,  
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National Marine Fisheries Service.

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